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United States Senate

COMMITTEE ON ARMED SERVICES  
WASHINGTON, DC 20510-6050

October 11, 1994

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DEC - 7 1994

Ms. Judith L. Harris  
Director  
Federal Communications Commission  
Office of Legislative Affairs  
1919 M Street, N.W.  
Washington, D.C. 20554

Dear Ms. Harris:

I recently received the enclosed inquiry from one of my constituents. Please review the matter thoroughly, in accordance with established policies and procedures, and provide me with a full report.

I look forward to hearing from you in the very near future.

Sincerely,

Sara Nunn

Enclosure  
SN/pmm

PLEASE RESPOND TO:  
75 Spring Street  
Suite 1700  
Atlanta, Georgia 30303  
ATTN: Patricia Murphy

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# DigiCom Services, Inc.

Post Office Box 803  
713 Laurel Drive  
Sandersville, Georgia 31082  
1-800-241-3999



Member National Rural Telecommunications Cooperative

July 28, 1994

94 AUG -4 PM 3:00

ATLANTA OFFICE

The Honorable Senator Sam Nunn  
United States Senate  
303 Dirksen Building  
Washington, DC 20510

Dear Senator Nunn:

I am writing this letter to voice a concern I have regarding the implementation and enforcement of Section 19 of the 1992 Cable Act by the Federal Communications Commission.

As a distributor of DBS satellite television programming, equal access to cable and broadcast programming at fair rates - something which we are not currently receiving - is essential for DigiCom Services, Inc. to be competitive in our local marketplace.

The attached letters to FCC Chairman Reed Hundt from myself, in addition to Rep. Billy Tauzin and other members of Congress, spell out my concern on this issue.

It was my impression that Congress had guaranteed equal access to cable and broadcast programming for all distributors with the passage of the 1992 Cable Act. Despite this fact, however, satellite distributors and consumers continue to be treated unfairly by the cable industry.

Some programmers continue to charge unfairly high rates for satellite distributors compared with cable rates. Other programmers - like Time Warner and Viacom - have simply refused to sell programming to some distributors. These exclusive practices hurt rural consumers and thwart the effective competition required by Section 19 of the Cable Act.

I would greatly appreciate your assistance on behalf of rural consumers in Georgia in encouraging the FCC to correct this inequity.

Sincerely,

A handwritten signature in cursive script that reads "Jonathan W. Moore".  
JONATHAN W. MOORE  
President

JWM:kbr

The Honorable Reed Hundt  
Page 2  
July 28, 1994

gaining access to programming to serve rural areas that cannot receive cable. Under the circumstances that exist now, if one of my DIRECTV subscribers wanted to obtain one of the channels owned by Time Warner/Viacom, the subscriber would have to purchase a second subscription to the USSB service. This hinders effective competition, and also keeps the price of the Time Warner/Viacom channels unnecessarily high. Consumer confusion is also increased at the retail level.

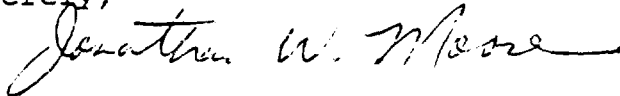
My ability to compete with other sources for television in my area have also been hampered by not having access to the Time Warner/Viacom channels. All of the TVRO dealers are able to provide channels like HBO, Showtime, Cinemax, and the Movie Channel while we are not. When a consumer learns that they cannot get one of these channels through us, and that they would have to go through a separate program provider, many are deterred.

We believe very strongly that the 1992 Cable Act outright prohibits any exclusive arrangements that prevent any distributor from gaining access to cable programming to serve rural non-cabled areas. That is why we supported the Tauzin Amendment, embodied in Section 19 of the Act.

We ask the FCC to solve these problems so that the effective competition requirements of Section 19 become a reality in rural America. I strongly urge you to banish the type of exclusive contract that USSB and Time Warner/Viacom have entered into.

Thank you for your consideration in this matter.

Sincerely,



JONATHAN W. MOORE  
President

JWM:kbr

cc: The Honorable Cynthia McKinney  
The Honorable J. Roy Rowland  
The Honorable Sam Nunn  
The Honorable Paul Coverdell  
William F. Caton, Secretary  
The Honorable James H. Quello  
The Honorable Andrew C. Barrett  
The Honorable Susan Ness  
The Honorable Rachelle B. Chong